

REMARKS

Claims 110-115, 119, 123 and 127 drawn to a method for preparing transformed *Brassica* CC genome are pending in this application. A request for a change in election was made in the April 16, 2003 Preliminary Amendment to pursue the method claims via a CPA. Applicants were entitled to file a CPA in view of its January 24, 2000 filing date.

Reconsideration and withdrawal of the assertion in the July 1, 2003 Office Communication that Applicants have not been fully responsive to the October 17, 2002 Office Action are respectfully requested in view of the remarks herewith.

The Office Communication indicated that the CPA request transmittal was marked as a continuation, not as a divisional application. The Office Communication pointed out that, in accordance with MPEP 819, the conditions for pursuing a different elected invention in a CPA are A) when the CPA is filed as a divisional, or B) where a continuation includes an amendment adding claims to an invention not previously elected.

To meet the above requirements of MPEP 819, Applicants respectfully request the instant application to be reassigned as a divisional application, not as a continuation as originally indicated on the CPA request transmittal attached with the April 16, 2003 Preliminary Amendment. Accordingly, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited.

No new matter is added.

REQUEST FOR INTERVIEW

If any issue remains as an impediment to allowance, an interview is respectfully requested prior to issuance of any paper other than a Notice of Allowance; and, the Examiner is respectfully requested to contact the undersigned to arrange a mutually convenient time and manner therefore.

CONCLUSION

In view of the remarks herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date.

Respectfully submitted,

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